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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

# Office Action Summary

**Application No.**

10/567,431

**Applicant(s)**

BARTHELEMY, SERGE

**Examiner**

SARAH M. MONFELDT

**Art Unit**

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION  
Status of Claims***

1. This action is in reply to the Amendment/Response filed on 21 May 2009.
2. Claims 1, 5, 7-10, 19-25 were amended.
3. Claims 1-5, 7-25 are currently pending and have been examined.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 5, 8-10, 19-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In particular the following recitations do not find support in the specification as originally filed:

- “a payer’s wireless phone account”, “a wireless phone account of a payee” as recited in claim 1;
- “sending a payment from a first wireless phone account”, “crediting said payment to a second wireless phone account” as recited by claim 5;
- “one or more wireless phone accounts” as recited by claim 9;
- “wireless pone accounts” as recited by claim 10;
- “a wireless phone account number”, “a wireless phone account associated with a mobile telephony communication device” as recited by claim 19;

- “wireless phone account number” as recited by claims 20-25;

The Examiner notes Applicants amended at least claims 19-25 to delete “financial transaction account number” to recite “wireless phone account number” and amended claims 1, 5, 8-10 to insert “wireless phone” prior to the recitation of “account”. The Specification as originally filed recites, FTA number (financial transaction number) and further states the FTA numbers can generally be several digits (usually 8-16), please refer to at least paragraph [0054] of the Published version of the present application (US 2006/0294007). The specification does not however, provide support for the recitation of “wireless phone account number” nor does it appear to provide support for a wireless phone number being associated with an account, i.e. the financial transaction account. Appropriate correction is required.

For purposes of Examination, the Examiner has interpreted “wireless phone account number” to include an account that is associated with a wireless phone carrier.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2002/0065774) in view of Gallagher et al. (US 2004/0111367) and Bernstein (US 2003/0187785).

**Claim 1 –**

As per claim 1, Young et al., at least at Figs. 4-5; paragraphs [0070]-[0086], disclose *a method for executing financial transactions through a wireless telephony network* having the limitations of:

- *sending a payment from a payer's [...] account through a mobile telephony communication device via said wireless telephony network to a transaction processing platform connected to said wireless telephony network;*
- *crediting said payment to a [...] account of a payee;*

Young et al. do not explicitly disclose:

- *a payer's wireless phone account;*
- *a wireless account of a payee;*

**\*\* For purposes of Examination, the Examiner has interpreted "wireless phone account number" to include an account that is associated with a wireless phone carrier.\*\***

Bernstein teach *a payer's wireless phone account; a wireless account of a payee* (see at least paragraphs [0010] (telecom debt payment system, operated under control of telecom credit provider), [0011] (purchases made by an account holder may be placed in to an account maintained by the telecom system for the account holder and billed monthly to the account holder along with other telecom (cellular telephone) charges) of Bernstein). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. to include *a payer's wireless phone account; a wireless account of a payee* as taught by Bernstein. One of ordinary skill in

the art at the time of the invention would have been motivated to expand the method of Young et al. in this way since it allows a telecom account holder to be billed monthly for purchases in addition to other telecom/cellular charges (see at least paragraph [0011] of Bernstein).

Young et al. do not explicitly disclose:

- *sending a request for approval of said payment from said transaction processing platform via said wireless telephony network to a mobile telephony communication device of the payee when said payment to the payee is initiated by the payer.*

Gallagher et al. teach *sending a request for approval of said payment from said transaction processing platform via said wireless telephony network to a mobile telephony communication device of the payee when said payment to the payee is initiated by the payer* (see at least paragraphs [0024]; [0030]-[0032]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. to include *sending a request for approval of said payment from said transaction processing platform via said wireless telephony network to a mobile telephony communication device of the payee when said payment to the payee is initiated by the payer* (allowing the payee to accept or reject the "send money" transaction) as taught by Gallagher et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in this way since the payee is provided with a web page or other online document that allows the payee to accept or reject the "sent money" transaction (see at least paragraph [0032] of Gallagher et al.).

## **Claim 2 –**

Young et al. in view of Gallagher et al. and Bernstein teach the method of claim 1 as described above. Gallagher et al., at least at paragraph [0032], further discloses a

*method for executing transactions in a method that enables financial transactions through a wireless communication network having the limitations of:*

- *further comprising validating the approval or a rejection of said payment by the payee by inputting authentication data selected from the group consisting of a password, finger print authentication, voice authentication, and face authentication.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 1.

### **Claim 3 –**

Young et al. in view of Gallagher et al. and Bernstein teach the method of claim 2 as described above. Gallagher et al., at least at paragraph [0032], further discloses a method for executing transactions in a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein a decision to approve or reject said payment is sent to said transaction processing platform through the wireless telephony network in a data file containing a digital signature of the content of the file.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 1.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Gallagher et al. and Bernstein as applied to claims 1-3 above, and further in view of Grunbok, Jr. et al. (US 6305603).

### **Claim 4 –**

As per claim 4, Young et al. in view of Gallagher et al. and Bernstein teaches the method of claim 3 as described above. Gallagher et al. do not explicitly disclose the following limitations:

- *wherein the data file is encrypted before being sent.*

Grunbok, Jr. et al. teach *wherein the data file is encrypted before being sent* (see at least col. 4, ll. 31-34; col. 5, ll. 3-5, 51-59 ). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Gallagher et al. and Bernstein to include encryption of information as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Gallagher et al. and Bernstein in this way since encryption can be used to assure security (see at least col. 5, ll. 6-7 of Grunbok, Jr. et al.).

10. Claims 5, 7-8, 11, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2002/0065774) in view of Liu et al. (US 2003/0101134) and Bernstein.

**Claim 5 –**

As per claim 5, Young et al., at least at Figs. 4-5; paragraphs [0070]-[0086], disclose a *method for executing financial transactions through a wireless telephony network* having the limitations of:

- *sending a payment from a first [...] account through a mobile telephony communication device via said wireless telephony network to a transaction processing platform connected to said wireless telephony network;*
- *crediting said payment to a second [...] account associated with a mobile telephone communication device of a subscriber of a financial transaction service provided through said transaction platform;*
- *establishing by said subscriber at least one special list of transaction accounts associated with said second [...] account of said subscriber;*

Young et al. do not explicitly disclose:

- *wireless phone account;*



\*\* For purposes of Examination, the Examiner has interpreted "wireless phone account number" to include an account that is associated with a wireless phone carrier.\*\*

Bernstein teach *wireless phone account* (see at least paragraphs [0010] (telecom debt payment system, operated under control of telecom credit provider), [0011] (purchases made by an account holder may be placed in to an account maintained by the telecom system for the account holder and billed monthly to the account holder along with other telecom (cellular telephone) charges) of Bernstein). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. to include *wireless phone account* as taught by Bernstein. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in this way since it allows a telecom account holder to be billed monthly for purchases in addition to other telecom/cellular charges (see at least paragraph [0011] of Bernstein).

Young et al. do not explicitly disclose:

- *implementing at least one rule for handling payments associated with the subscriber's wireless phone account that are processed through said transaction processing platform.*

Liu et al. teach *implementing at least one rule for handling payments associated with the subscriber's wireless phone account that are processed through said transaction processing platform* (see at least paragraphs [0011]; [0021]-[0023]; [0025]-[0027]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. to include *implementing at least one rule for handling payments associated with the subscriber's wireless phone account that are processed through said transaction processing platform* ("trusted transaction" approval systems) as taught by Liu et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in this way since if the

trusted transaction feature is elected, the approval process with take advantage of this added security measure (see at least paragraph [0025] of Liu et al.).

**Claim 7 –**

As per claim 7, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 5 as described above. Liu et al., at least at paragraphs [0022]-[0024]; Fig. 2, further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule is checked and implemented by said transaction processing platform.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

**Claim 8 –**

As per claim 8, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 5 as described above. Liu et al., at least at paragraph [0023], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at last one rule is checked and implement by at least one of a mobile handset, a connectable electronic device and a Subscriber Identity Module.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

**Claim 11 –**

As per claim 11, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 7 as described above. Liu et al., at least at paragraphs [0024]; [0033], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein all existing special lists in a system executing the financial transactions are stored in a database or in files managed and/or interfaced with said transaction processing platform.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

**Claim 13 –**

As per claim 13, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 7 as described above. Liu et al., at least at paragraphs [0022]; [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is: no transaction allowed with accounts included in this special list.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

**Claim 14 –**

As per claim 14, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 7 as described above. Liu et al., at least at paragraph [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is: no request for approval required in a payer-initiated payment transaction if an account of a payer is included in the at least one special list.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

**Claim 15 –**

As per claim 15, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 7 as described above. Liu et al., at least at paragraph [0022], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is: only payer-initiated payments from accounts included in the at least one special list shall be rejected.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

**Claim 16 –**

As per claim 16, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 7 as described above. Liu et al., at least at paragraph [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is: no payer-initiated payment transaction shall be sent to accounts included in the at least one special list.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

**Claim 17 –**

As per claim 17, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 7 as described above. Liu et al., at least at paragraph [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is: no payment request from accounts included in the at least one special list shall be accepted.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

**Claim 18 –**

As per claim 18, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 7 as described above. Liu et al., at least at paragraphs [0024]; [0030], further discloses a method that enables financial transactions through a wireless communication network having the limitations of:

- *wherein the at least one rule defining the at least one special list is a combination of at least two rules sets.*

The motivation for making this modification to the teachings of Young et al. is the same as that set forth above, in the rejection of Claim 5.

11. Claims 9, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Liu et al. and Bernstein as applied to claims 5, 7-8, 11, 13-18 above, and further in view of Shore (US 2003/149662).

**Claim 9 –**

As per claim 9, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 5 as described above. Young et al. in view of Liu et al. and Bernstein do not explicitly disclose the following limitations:

- *wherein said subscriber removes from the at least one special list or adds to the at least one special list one or more wireless phone accounts directly from a mobile telephony communication device of said subscriber, or by internet.*

Shore teach *wherein said subscriber removes from the at least one special list or adds to the at least one special list one or more wireless phone accounts directly from a mobile telephony communication device of said subscriber, or by internet* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Liu et al. and Bernstein to include *wherein said subscriber removes from the at least one special list or adds to the at least one special list one or more wireless phone accounts directly from a mobile telephony communication device of said subscriber, or by internet* (one of several credit or bank accounts) as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Liu et al. and Bernstein in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account number when making a transaction (see at least paragraph [0063] of Shore).

**Claim 10 –**

As per claim 10, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 5 as described above. Young et al. in view of Liu et al. and Bernstein do not explicitly disclose the following limitations:

- *wherein said subscriber includes in the at least one special list all other wireless phone accounts that exist in a system executing the financial transactions.*

Shore teach *wherein said subscriber includes in the at least one special list all other wireless phone accounts that exist in a system executing the financial transactions* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Liu et al. and Bernstein to include *wherein said subscriber includes in the at least one special list all other wireless phone accounts that exist in a system executing the financial transactions* (one of several credit or bank accounts) as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of

Young et al. in view of Liu et al. and Bernstein in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

**Claim 12 –**

As per claim 12, Young et al. in view of Liu et al. and Bernstein teaches the method of claim 5 as described above. Young et al. in view of Liu et al. and Bernstein do not explicitly disclose the following limitations:

- *wherein the at least one special lists of said subscriber are stored in part or in totality in a memory of a mobile telephony communication device of said subscriber, and/or stored in the memory of a Subscriber Identity Module.*

Shore teach *wherein the at least one special lists of said subscriber are stored in part or in totality in a memory of a mobile telephony communication device of said subscriber, and/or stored in the memory of a Subscriber Identity Module* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Liu et al. and Bernstein to include one of several credit or bank accounts as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Liu et al. and Bernstein in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

12.Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2002/0065774) in view of Maes (WO 99/08238) and Bernstein.

**Claim 19 –**

As per claim 19, Young et al., at least at Figs. 4-5; paragraphs [0070]-[0086], disclose *a method for executing transactions through a wireless telephony network* having the limitations of:

- *sending a payment identified by a [...] account number of a first subscriber from a mobile telephony communication device of said first subscriber via said wireless telephony network to a transaction processing platform connected to said wireless telephony network;*
- *crediting said payment to a [...] account associated with a mobile telephony communication device of a second subscriber of a financial transaction service provided through said transaction processing platform; and*

Young et al. do not explicitly disclose:

- *wireless phone account;*

**\*\* For purposes of Examination, the Examiner has interpreted "wireless phone account number" to include an account that is associated with a wireless phone carrier.\*\***

Bernstein teach *wireless phone account* (see at least paragraphs [0010] (telecom debt payment system, operated under control of telecom credit provider), [0011] (purchases made by an account holder may be placed in to an account maintained by the telecom system for the account holder and billed monthly to the account holder along with other telecom (cellular telephone) charges) of Bernstein). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. to include *wireless phone account* as taught by Bernstein. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in this way since it allows a telecom account holder to be billed monthly for purchases in addition to other telecom/cellular charges (see at least paragraph [0011] of Bernstein).



Young et al. do not explicitly disclose:

- *reading automatically said wireless phone account number of said first subscriber in a wireless manner outside of said wireless telephony network by said second subscriber with an automatic reading method and/or device.*

Maes teach *reading automatically said wireless phone account number of said first subscriber in a wireless manner outside of said wireless telephony network by said second subscriber with an automatic reading method and/or device* (see at least pg. 19, l. 6 through pg. 20, l. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. to include *reading automatically said wireless phone account number of said first subscriber in a wireless manner outside of said wireless telephony network by said second subscriber with an automatic reading method and/or device* (direct communication, i.e. IR communication, instead of physically exchanging the Universal Card) as taught by Maes. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in this way since IR communication is a direct procedure compared to physically exchanging the universal card (see at least pg. 19, ll. 20-22 of Maes).

13.Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Maes and Bernstein in view of as applied to claims 19 above, and further in view of Hawkes (Designing Secure Systems, IEE Colloquium on).

**Claim 20 –**

As per claim 20, Young et al. in view of Maes and Bernstein teaches the method of claim 19 as described above. Young et al. in view of Maes and Bernstein do not explicitly teach the following limitations:

- *wherein said wireless phone account number is printed in a barcode format on a card.*

Hawkes teaches *wherein said wireless phone account number is printed in a barcode format on a card* (see at least page 6/1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes and Bernstein to include *wherein said wireless phone account number is printed in a barcode format on a card* (a barcoded card) as taught by Hawkes. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes and Bernstein in this way since a barcoded card is an alternative for a magnetic strip card or a smart card used in financial transactions (see at least page 6/1, paragraph 4 of Hawkes).

14. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Maes and Bernstein as applied to claims 19 above, and further in view of Um (WO 03/023674).

**Claim 21 –**

As per claim 21, Young et al. in view of Maes and Bernstein teaches the method of claim 19 as described above. Young et al. in view of Maes and Bernstein do not explicitly teach the following limitations:

- *wherein said wireless phone account number is printed in a barcode format on a sticker affixed on a mobile handset or a connectable electronic device.*

Um teaches *wherein said wireless phone account number is printed in a barcode format on a sticker affixed on a mobile handset or a connectable electronic device* (see at least page 6/1, paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes and Bernstein to include *wherein said wireless phone account number is printed in a barcode format on a sticker affixed on a mobile handset or a connectable electronic device* (a barcoded mobile phone) as taught by Um. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes and Bernstein in this way since a barcoded mobile phone enables a

credit card payment using a mobile phone device, without the need to carry any credit cards (see at least page 4, lines 6-9 of Um).

15. Claims 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Maes and Bernstein as applied to claims 19 above, and further in view of Grunbok, Jr. et al. (US 6305603).

**Claim 22 –**

As per claim 22, Young et al. in view of Maes and Bernstein teaches the method of claim 19 as described above. Young et al. in view of Maes and Bernstein do not explicitly teach the following limitations:

- *wherein said wireless phone account number is sent to a mobile handset or connectable electronic device of said second subscriber through an infrared interface.*

Grunbok, Jr. et al. teach *wherein said wireless phone account number is sent to a mobile handset or connectable electronic device of said second subscriber through an infrared interface* (see at least col. 3, ll. 15-25; 45-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes and Bernstein to include *wherein said [...] account number is sent to a mobile handset or connectable electronic device of said second subscriber through an infrared interface* (a PDA and POS with infrared capabilities) as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes and Bernstein in this way since PDA and POS wireless interaction allows for convenient financial transactions and financial account access with immediate account updates via the PDA (see at least col. 1, ll. 7-12 of Grunbok, Jr. et al.).

**Claim 25 –**

As per claim 25, Young et al. in view of Maes and Bernstein teaches the method of claim 19 as described above. Young et al. in view of Maes and Bernstein do not explicitly teach the following limitations:

- *wherein said wireless phone account number is sent to a mobile handset or connectable device of a second subscriber through a short range radio interface.*

Grunbok, Jr. et al. teach *wherein said wireless phone account number is sent to a mobile handset or connectable device of a second subscriber through a short range radio interface* (see at least col. 3, ll. 15-25; 45-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes and Bernstein to include *wherein said wireless phone account number is sent to a mobile handset or connectable device of a second subscriber through a short range radio interface* (a PDA and POS with infrared capabilities) as taught by Grunbok, Jr. et al. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes and Bernstein in this way since PDA and POS wireless interaction allows for convenient financial transactions and financial account access with immediate account updates via the PDA (see at least col. 1, ll. 7-12 of Grunbok, Jr. et al.).

16. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Maes and Bernstein as applied to claims 19 above, and further in view of Shore (US 2003/149662).

**Claim 23 –**

As per claim 23, Young et al. in view of Maes and Bernstein teaches the method of claim 19 as described above. Young et al. in view of Maes and Bernstein do not explicitly teach the following limitations:

- *wherein said wireless phone account number is stored in a contactless electronic microcircuit, and is read by a contactless reader.*

Shore teach *wherein said wireless phone account number is stored in a contactless electronic microcircuit, and is read by a contactless reader* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes and Bernstein to include *wherein said wireless phone account number is stored in a contactless electronic microcircuit, and is read by a contactless reader* (one of several credit or bank accounts) as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes and Bernstein in this way since keeping several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

**Claim 24 –**

As per claim 24, Young et al. in view of Maes and Bernstein teaches the method of claim 19 as described above. Young et al. in view of Maes and Bernstein do not explicitly teach the following limitations:

- *wherein said wireless phone account number is stored in a Subscriber Identity Module which has a contactless Interface that is read by a contactless reader.*

Shore teach *wherein said wireless phone account number is stored in a Subscriber Identity Module which has a contactless Interface that is read by a contactless reader* (see at least paragraph [0063]). It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Young et al. in view of Maes and Bernstein to include *wherein said wireless phone account number is stored in a Subscriber Identity Module which has a contactless Interface that is read by a contactless reader* (one of several credit or bank accounts) as taught by Shore. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Young et al. in view of Maes and Bernstein in this way since keeping

several account numbers on the PDA allows a user to choose from one of those several account numbers when making a transaction (see at least paragraph [0063] of Shore).

### ***Response to Arguments***

17. Applicant's arguments with respect to claims 1-5, 7-25 have been considered but are moot in view of the new ground(s) of rejection.

- Applicants arguments with respect to the primary reference, Young, are not persuasive since Applicants did not address the Figs or paragraphs referenced in the Office Action. In particular the Examiner pointed to Figs. 4-5 and paragraphs [0070]-[0086] which show and discuss at least person-to-person payments via mobile telephones, a mobile network and a transaction portal server. Applicants specifically argued paragraphs [0033]-[0035] and [0037] (the Examiner notes that paragraphs [0033]-[0035] and [0037] were not part of the previous Office Action). Applicant's further state that "Young requires the transactions to be conducted over an Internet-Based network". As pointed out above and as cited in the previous Office Action, Young discloses person-to-person payments via mobile telephones, a mobile network and a transaction portal server (see at least Fig. 4 of Young). Applicants comments with respect to Young are not persuasive.
- In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., GSM and CDMA standards) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

- In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARAH M. MONFELDT whose telephone number is (571)270-1833. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm (EST) ALT Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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